

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in the application; claims 6-20 are newly added.

The applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s), and for determining that the drawings are acceptable.

The Office action rejects claim 5 under 35 U.S.C. 101. Reconsideration of this rejection is requested in view of the amendment to claim 5, above.

The Office action rejects claims 1 and 3-5 under 35 U.S.C. 102(b) over Yamada et al. (USP 7,254,312, hereinafter Yamada). The applicant respectfully traverses this rejection.

Yamada teaches a system wherein the provider of video content material determines whether never-copy material can be temporarily recorded. As taught by Yamada, a copy-protection field of an associated "Entitlement Control Message" (ECM) is expanded to include control of "Temporal Recording". If, as illustrated in Yamada's FIG. 7, the video record control data is "0x00", neither permanent nor temporal recording of the video content is permitted, thereby precluding, for example, TIVO-like time-shifts, such as replay after a pause. On the other hand, if the video record control data is "0x02", permanent recording is prohibited, but TIVO-like Temporal Recording is permitted.

As taught by the applicant, an embodiment of this invention does not require an expansion of the defined copy-permission options, and still permits "carrying out time shift reproduction when never copy information is added to an ... audiovisual signal", while still reflecting the "intention" of the program supplier (Applicant's page 2, lines 25-28). The applicant recognized that although the copying of the material for a time-shifted playback violates the never-copy directive, per se, it does not violate the likely intent of the supplier of this never-copy material.

Because Yamada teaches having the supplier of content material determine whether never-copy material can be temporarily recorded, and does not teach allowing the user to control this determination, as specifically claimed in each of independent claims 1, 4, and 5, the applicant respectfully requests the Examiner's reconsideration of claims 1 and 3-5 under 35 U.S.C. 102(b) over Yamada.

The Office action rejects claim 2 under 35 U.S.C. 103(a) over Yamada and Ryan (USP 5,574,787). The applicant respectfully traverses this rejection.

Claim 2 is dependent upon claim 1, and in this rejection, the Office action relies on Yamada for teaching the elements of claim 1. As detailed above, Yamada fails to teach allowing the user to control whether never-copy material can be temporarily recorded, as claimed in claim 1. Accordingly, the applicant respectfully requests the Examiner's reconsideration of the rejection of claim 2 under 35 U.S.C. 103(a) over Yamada and Ryan.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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